

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TAHEEN HAYES,

Plaintiff,

-against-

TIMOTHY DAHLKE, JASON MEIER, GREGORY
LANGTRY, STEPHEN BENCE, EDWARD COON,
KRISTOPHER HOFFMAN, JAMES IARUSSO,
RAYMOND SHANLEY, AND DANIEL
MARTUSCELLO,

Defendants.

DECLARATION

1:16-CV-1368

(TJM/CFH)

Helena Pederson, an attorney admitted to practice in the State of New York, on the date noted below and pursuant to §1746 of Title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am an Assistant Attorney General of counsel in this matter to Barbara D. Underwood, Attorney General of the State of New York, attorney for Defendants Timothy Dahlke, Jason Meier, Gregory Langtry, Stephen Bence, Edward Coon, Kristopher Hoffman, James Iarusso, Raymond Shanley, and Daniel Martuscello.

2. I make this declaration in support of Defendants' motion pursuant to Federal Rule of Civil Procedure 56(a) for an order granting summary judgment in favor of Defendants Dahlke, Bence, Coon, Hoffman, Iarusso, Shanley, and Martuscello, and dismissing certain claims in Plaintiff Taheen Hayes' complaint with prejudice, together with such other and further relief as may be just and proper.

3. A certified copy of records pertaining to Grievance Nos. CX-18983-16, CX-19053-16, CX-19054-16 and CX-19094-16, Bates-stamped DEF0730-812, is attached hereto as **Exhibit A**.

4. A certified copy of documents related to Plaintiff's April 2016 complaint of sexual assault made pursuant to the Prison Rape Elimination Act ("PREA"), Bates-stamped DEF0700-709, is attached hereto as **Exhibit B**.

5. A certified copy of relevant portions of Plaintiff's disciplinary and movement history at Coxsackie Correctional Facility, Bates-stamped DEF0207-208 and DEF0213, is attached hereto as **Exhibit C**.

6. A certified copy of the Use of Force Report for the Use of Force that occurred on July 30, 2016, Bates-stamped DEF0369-391, is attached hereto as **Exhibit D**.

7. A copy of the transcript of Plaintiff's deposition conducted on April 9, 2018, is attached hereto as **Exhibit E**.

8. A copy of DOCCS Directive No. 4910 is attached hereto as **Exhibit F**.

Dated: Albany, New York
August 22, 2018

s/ Helena Pederson
Helena Pederson
Bar Roll No. 520491